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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,227	08/08/2001	Joseph A. King JR.	52493.000103	9871
21967	7590	03/24/2006	EXAMINER	
HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			DESHPANDE, KALYAN K	
			ART UNIT	PAPER NUMBER
			3623	
DATE MAILED: 03/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/682,227	KING ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Kalyan K. Deshpande	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 January 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 23 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8,10-22,24 and 25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/14/01 11/30/01</u> . <u>1/9/06</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

### ***Introduction***

1. The following is an election/restriction in response to the communications received on August 8, 2001. Claims 1-25 have been restricted. Applicant elects Group I to be examined. Claims 1-8, 10-22, and 24-25 are pending in this application

### ***Information Disclosure Statement***

2. The examiner has reviewed the patents and articles supplied in the Information Disclosure Statements (IDS) provided on November 11, 2001, November 30, 2001, and January 9, 2006.

### ***Election/Restrictions***

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-8, 10-22, and 24-25 are drawn to performing business planning using a structured process to provide a marketing solution to an organization, classified in class 705, subclass 10.
- II. Claim 9 and 23 are drawn to the details of the various stages of used in performing business planning, classified in class 705, subclass 10.

4. The inventions are distinct, each from the other because of the following reasons:  
Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the

particulars of the subcombination as claimed because the combination does not require the detailed steps of the subcombination, such as gathering baseline information defining the current position of the organization, developing strategy hypotheses and a data collection plan for achieving the objectives, identifying opportunities for providing a marketing solution, developing a high-level plan, developing a measurement system and assessing risk in connection with implementing the marketing solution, determining criteria for assessing the success of the solution and projecting the impact of changes in the organization caused by the solution, or developing a detailed action plan to implement the solution. Because performing the steps in the subcombination is not required when performing the steps recited by the combination, the subcombination is not needed for the combination to be patentable. The subcombination has separate utility such as a detailed process plan that can be implemented for various purposes, such as a sales strategy plan. As a detailed strategy plan, invention II does not require any portion of invention I to have utility and can be used in combination with other plans, such as a sales strategy plan or a product research plan. Because the subcombination is both not necessary for the combination to be patentable and the subcombination has utility in other combinations, these inventions are distinct.

Applicant elects Group I, with traverse. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 14-22 and 24-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to Applicant's meaning to the term "kit". For the purposes of examination, kit has been interpreted to mean a computer program.

***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1-8, 10-22, and 24-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed invention is required to produce a useful, concrete, and tangible real-world result. An invention that fails to produce a tangible result is one that involves no more than the manipulation of an abstract idea. See *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F. 3d 1368, 47 USPQ2d 1596 (Fed. Cir. 1998). In order to be concrete the result must be substantially repeatable or the process must substantially produce the same result again.

Claims 1, 10, 14, and 24 merely recites the manipulation of an abstract idea and do not produce a tangible or concrete result. Claims 1, 10, 14, and 24 recite "chartering a process by defining its objective based on input from at least one senior leader",

“conducting a strategic workout session”, and “conducting a tactical workout session”, which are mere abstract ideas that do not produce real-world results. The steps of “chartering a process by defining its objective based on input from at least one senior leader”, “conducting a strategic workout session”, and “conducting a tactical workout session” are based on subjective standards. The results of these steps will not produce concrete real-world results since there is no evidence that these steps, when repeated, will produce substantially the same results. These steps are based on a subjective standard and will produce different results for each individual performing the step. Furthermore, the result of the method recited is not a tangible, real-world result. Because the results produced by the method are not tangible and concrete, claims 1, 10, 14, and 24 are considered to be directed toward non-statutory subject matter.

Claims 2 and 15 merely recites the manipulation of an abstract idea and do not produce a tangible or concrete result. Claims 2 and 15 also fail to cure the grounds claims 1 and 14 fail under 35 U.S.C. 101, and therefore are rejected for the same reasons. Claims 2 and 15 recite “identifying strengths and weaknesses”, “identifying opportunities and threats”, and “identifying candidate solutions”, which are mere abstract ideas that do not produce real-world results. The steps of “identifying strengths and weaknesses”, “identifying opportunities and threats”, and “identifying candidate solutions” are based on subjective standards. The results of these steps will not produce concrete real-world results since there is no evidence that these steps, when repeated, will produce substantially the same results. These steps are based on a subjective standard and will produce different results for each individual performing the

step. Furthermore, the result of the method recited is not a tangible, real-world result. Because the results produced by the method are not tangible and concrete, claims 2 and 15 are considered to be directed toward non-statutory subject matter.

Claims 3 and 16 merely recites the manipulation of an abstract idea and do not produce a tangible or concrete result. Claims 3 and 16 also fail to cure the grounds claims 1 and 14 fail under 35 U.S.C. 101, and therefore are rejected for the same reasons. Claims 2 and 15 recite “identifying strategies” and “specifying values for the variables”, which are mere abstract ideas that do not produce real-world results. The steps of “identifying strategies” and “specifying values for the variables” are based on subjective standards. The results of these steps will not produce concrete real-world results since there is no evidence that these steps, when repeated, will produce substantially the same results. These steps are based on a subjective standard and will produce different results for each individual performing the step. Furthermore, the result of the method recited is not a tangible, real-world result. Because the results produced by the method are not tangible and concrete, claims 3 and 16 are considered to be directed toward non-statutory subject matter.

Claims 5 and 18 merely recites the manipulation of an abstract idea and do not produce a tangible or concrete result. Claims 5 and 18 also fail to cure the grounds claims 1 and 14 fail under 35 U.S.C. 101, and therefore are rejected for the same reasons. Claims 5 and 18 recite “identifying markets” and “specifying values for variables”, which are mere abstract ideas that do not produce real-world results. The steps of “identifying markets” and “specifying values for variables” are based on

subjective standards. The results of these steps will not produce concrete real-world results since there is no evidence that these steps, when repeated, will produce substantially the same results. These steps are based on a subjective standard and will produce different results for each individual performing the step. Furthermore, the result of the method recited is not a tangible, real-world result. Because the results produced by the method are not tangible and concrete, claims 5 and 18 are considered to be directed toward non-statutory subject matter.

Claims 7 and 20 merely recites the manipulation of an abstract idea and do not produce a tangible or concrete result. Claims 7 and 20 also fail to cure the grounds claims 1 and 14 fail under 35 U.S.C. 101, and therefore are rejected for the same reasons. Claims 7 and 20 recite "identifying the attractiveness of candidate solutions" and "identifying the business strengths of a candidate solution", which are mere abstract ideas that do not produce real-world results. The steps of "identifying the attractiveness of candidate solutions" and "identifying the business strengths of a candidate solution" are based on subjective standards. The results of these steps will not produce concrete real-world results since there is no evidence that these steps, when repeated, will produce substantially the same results. These steps are based on a subjective standard and will produce different results for each individual performing the step. Furthermore, the result of the method recited is not a tangible, real-world result. Because the results produced by the method are not tangible and concrete, claims 7 and 20 are considered to be directed toward non-statutory subject matter.

Claims 8 and 21 merely recites the manipulation of an abstract idea and do not produce a tangible or concrete result. Claims 8 and 21 also fail to cure the grounds claims 1 and 14 fail under 35 U.S.C. 101, and therefore are rejected for the same reasons. Claims 8 and 21 recite "identifying the newness to the organization" and "identifying the newness to a market", which are mere abstract ideas that do not produce real-world results. The steps of "identifying the newness to the organization" and "identifying the newness to a market" are based on subjective standards. The results of these steps will not produce concrete real-world results since there is no evidence that these steps, when repeated, will produce substantially the same results. These steps are based on a subjective standard and will produce different results for each individual performing the step. Furthermore, the result of the method recited is not a tangible, real-world result. Because the results produced by the method are not tangible and concrete, claims 8 and 21 are considered to be directed toward non-statutory subject matter.

Claims 4, 6, 11-13, 17, 19, 22, and 25 recite subject matter already addressed by the rejection of claim 1, 10, 14, and 24 and fail to re-direct the subject matter towards statutory material; therefore the same rejection applies to these claims.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

10. Claims 1, 3, 4, 7, 10, 11, 12, 13, 14, 16, 17, 20, 22, 24, and 25 are rejected under 35 U.S.C. 102(a) as being anticipated by Baker et al. (Baker, Sunny; Baker, Kim; *The Complete Idiot's Guide to Project Management*, Alpha Books, June 7, 2000).

As per claim 1, Baker teaches:

A method for performing business planning using a structured process, so as to provide a marketing solution to an organization, comprising the steps of:

in a first stage, chartering the process by defining its objective based on input from at least one senior leader of the organization, and developing a plan for collecting data to reach that objective (see pp. 90-97 and 150-152; where a project plan is charted. Experts and experience managers are consulted for their input regarding the project. Experts and experienced managers are the same as a senior leader of the organization.);

in a second stage, gathering data pertaining to the organization's environment from secondary and primary sources, and performing preliminary structuring and assessment of such data (see pp. 121-128; where data necessary for project completion is gathered. Secondary sources, such as suppliers, are consulted for pricing information. Primary sources, such as a purchasing department, is consulted for their purchasing methodology.);

in a third stage, conducting a strategic workout session with the at least one senior leader, including developing, bundling and prioritizing candidate solutions (see pp. 58-75 and 150-152; where business projects are identified and prioritized.

The project goals and scope are agreed upon by all members of the project, including stakeholders such as senior leaders in the organization.); and in a fourth stage, conducting a tactical workout session, including allocating resources to implement a selected solution (see pp. 129-145; where resources are allocated to perform specific tasks.).

As per claim 3, Baker teaches:

The method of claim 1, wherein the first stage further includes performing a strategy prioritization procedure, comprising the steps of:  
identifying a plurality of strategies for achieving the marketing solution, wherein the procedure defines a plurality of variables that describe respective properties of the strategies (see p. 57; where a plurality of strategies are listed. Variables for specific properties are also listed.);  
specifying values for the variables which reflect the extent to which the strategies embody the properties (see p. 57; where values for each strategy variable are selected.);  
summing the values for each of the strategies to produce a plurality of sum values (see p. 57-60; where the sum of the specified values are calculated.); and ranking the strategies based on the plurality of sum values (see p. 57-60; where strategies are ranked or prioritized based on the specified values.).

As per claim 4, Baker teaches:

The method of claim 3, wherein the step of specifying values comprises specifying values selected from a predefined group of delimiter values associated

with respective factual patterns (see p. 57-60; where factual patterns have numeric values associated to them. The example provided specifies the higher the numeric value, the more valuable the factual pattern.).

As per claim 7, Baker teaches:

The method of claim 1, wherein the second stage further includes performing a multi-blocker model procedure, comprising:

identifying the attractiveness of a plurality of candidate solutions (see p. 57; where a plurality of strategies are listed. Variables for specific properties are also listed.);

identifying the business strengths of the plurality of candidate solutions (see p. 57; where values for each strategy variable are selected. The greater the numerical value, the greater the strength.); and

placing indicia representing the candidate solutions on a grid as a function of the identified attractiveness and strengths of the respective plurality of candidate solutions (see p. 57-60; where total strength values for each solution is calculated on a grid indicating the attractiveness and strength of the solution.).

As per claim 10, Baker teaches:

A method for performing business planning so as to provide a marketing solution to an organization, comprising the steps of:

storing a kit (see pp. 362-375; where software for project management is described. The software contains specific tool kits to enable one to manage a

project. The tool kit can be stored in a single comprehensive database), the kit including:

a representation of a structured process for developing the market solution, the structured process prompting a user to apply tools at specified junctures in the process (see pp. 362-375; where a structured process for a project plan can be defined. The user will be able to sequence and schedule tasks and further do analysis of what-if scenarios.);

a plurality of tools for use in performing the process (see pp. 362-365; where a plurality of tools in kits is described. Tools include charts, graphs, workflows, and schedules.);

accessing the kit (see pp. 363-364; where the kit can be accessed by several users at once); and

using the kit by performing the process specified in the kit using at least one of the tools contained in the kit, wherein the process prompts a user to perform the steps of:

in a first stage, chartering the process by defining its objective based on input from at least one senior leader of the organization, and developing a plan for collecting data to reach that objective (see pp. 90-97 and 150-152; where a project plan is charted. Experts and experience managers are consulted for their input regarding the project. Experts and experienced managers are the same as a senior leader of the organization.);

in a second stage, gathering data pertaining to the organization's environment from secondary and primary sources, and performing preliminary structuring and assessment of such data (see pp. 121-128; where data necessary for project completion is gathered. Secondary sources, such as suppliers, are consulted for pricing information. Primary sources, such as a purchasing department, is consulted for their purchasing methodology.);

in a third stage, conducting a strategic workout session with the at least one senior leader, including developing, bundling and prioritizing candidate solutions (see pp. 58-75 and 150-152; where business projects are identified and prioritized.

The project goals and scope are agreed upon by all members of the project, including stakeholders such as senior leaders in the organization.); and

in a fourth stage, conducting a tactical workout session, including allocating resources to implement a selected solution (see pp. 129-145; where resources are allocated to perform specific tasks.).

As per claim 11, Baker teaches:

The method according to claim 10, wherein the step of storing comprises storing the kit in an electronic storage medium (see pp. 362-375; where software for project management is described. The software contains specific tool kits to enable one to manage a project. The tool kit can be stored in a single comprehensive database.).

As per claim 12, Baker teaches:

The method according to claim 11, wherein the step of accessing comprises accessing the kit using a computer workstation (see pp. 363-364; where the kit can be accessed by several users at once using computers.).

As per claim 13, Baker teaches:

The method according to claim 12, where the step of using comprises interacting with the representation of the process and the plurality of tools using the computer workstation (see pp. 363-364; where the kit can be accessed by several users at once using computers. Users can concurrently input parameters for the process. Users, as their responsibilities are defined, can use different tools such as task sequencing, schedule, or create of Gantt charts.).

Claims 14, 16, 17, 20, 22, 24, and 25 recite limitations already addressed by the rejections of claims 1, 3, 4, and 10-13; therefore the same rejections apply to these claims.

#### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. (Baker, Sunny; Baker, Kim; *The Complete Idiot's Guide to Project Management*, Alpha Books, June 7, 2000) in view of Roth et al. (Roth, Bernard;

Washburn, Stewart; "Developing Strategy", *Journal of Management Consulting*, May 1999, pp. 50-54).

As per claim 2, Baker fails to teach the first stage further includes performing a SWOT analysis procedure, the SWOT analysis procedure comprising the steps of: identifying strengths and weaknesses relevant to the organization; identifying opportunities presented to the organization, and threats facing the organization; and identifying candidate solutions based on a consideration of the identified strengths, weaknesses, opportunities, and threats. Roth et al. teach identifying strengths and weaknesses relevant to the organization (see pp. 51-54; where strengths and weaknesses are listed); identifying opportunities presented to the organization (see pp. 51-54; where opportunities and technical alternatives are listed); and identifying candidate solutions based on a consideration of the identified strengths, weaknesses, opportunities, and threats (see pp. 51-54; where strategies and solutions are listed as a result of the SWOT analysis.). The advantages of performing a SWOT analysis is that it facilitates the selection of the best projects for an organization. It would have been obvious, at the time of the invention, to incorporate a SWOT analysis to the teachings of Baker in order facilitate the selection of the best projects for an organization, which is a goal of Baker (see pp. 55-63).

Claim 15 recites limitations already addressed by the rejection of claim 2; therefore the same rejection applies to this claim.

13. Claim 5, 6, 8, 18, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. (Baker, Sunny; Baker, Kim; *The Complete Idiot's Guide*

*to Project Management*, Alpha Books, June 7, 2000) in view of Ulwick (U.S. Patent No. 5963910).

As per claim 5, Baker teaches a project strategy determination procedure wherein the procedure defines a plurality of variables that describe respective properties of strategies (see p. 57; where a plurality of strategies are listed. Variables for specific properties are also listed); specifying values for the variables which reflect the extent which the strategies embody the properties (see p. 57; where values for each strategy variable are selected); summing the values fro each of the strategies to produce a plurality of sum values (see p. 57-60; where the sum of the specified values are calculated); and ranking the markets based on the plurality of sum values (see p. 57-60; where strategies are ranked or prioritized based on the specified values). Baker fails to explicitly teach applying the solution strategy to a marketing solution and ranking markets based on specified values for properties of a market. Ulwich teaches applying a strategy solution to a marketing solution and ranking markets based on specified values for properties of a market (see column 14 lines 43-67 and column 15 lines 1-12; where research is done to identify different markets, segment the market geographically, determine customer preferences for products and designs in each market, and rank and prioritize the market segments). The advantage of identifying markets, segmenting the markets, and ranking the markets is that it facilitates the selection of the best project opportunity for an organization. It would have been obvious, at the time of the invention, for one of ordinary skill in the art to combine the feature of identifying markets, segmenting markets, and ranking the markets from the

Ulwich method to the Baker process in order to facilitate the selection of the best project opportunity for an organization, which is a goal of Baker (see pp. 55-63).

As per claim 6, Baker teaches:

The method of claim 5, wherein the step of specifying values comprises specifying values selected from a predefined group of delimiter values associated with respective factual patterns (see p. 57-60; where factual patterns have numeric values associated to them. The example provided specifies the higher the numeric value, the more valuable the factual pattern.).

As per claim 8, Baker teaches performing a risk assessment by placing indicia representing a numeric value describing a strategy solution for different risk factors including the market's acceptance of new products (see p. 80 and 85; where different risk factors are described including the market's acceptance of new products. A grid is disclosed for doing a risk assessment). Baker fails to explicitly teach levels of newness as a specific risk factor. Ulwich teaches incorporating the level of newness as a risk factor (see column 17 lines 29-48 and figure 1; where factors for developing a new product to a market are described. A user can select "new product" for the type of research being performed and the system will evaluate the respective predictive metrics for a new product). The advantage of incorporating the level of newness as a risk factor is that it further defines the risk of implementing a candidate solution. It would have been obvious, at the time of the invention, for one of ordinary skill in the art to combine the feature of determining the level of newness of the Ulwich system to the Baker

method in order to further defined the risk assessment with a project solution, which is a goal of Baker (see pp. 80-85).

Claims 18, 19, and 21 recite limitations already addressed by the rejections of claims 5, 6, and 8; therefore the same rejections apply to these claims.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are pertinent to the current invention, though not relied upon:

Lautzenheiser et al. (U.S. Patent No. 6125359) teaches a method and apparatus for efficiently debugging and/or testing a rules based expert system.

Frost (U.S. Patent No. 5041972) A method for evaluating consumer response comprising conducting interviews to obtain emotional, rational and personality descriptors of functionally related items.

Dobbin et al. (Dobbin, Richard; Pettman, Barrie O.; "Implementing a Winning Marketing Strategy", *Management Research News*, 1998, pp. 10-15) teaches a method of marketing to satisfy customers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kalyan K. Deshpande whose telephone number is (571) 272-5880. The examiner can normally be reached on M-F 8am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Kathy Bryan*  
kkd

*Tariq R. Hafiz*

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